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Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health

DRINKING WATER FIELD OPERATIONS BRANCH

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EDMUND G. BROWN JR.
Governor

May 8, 2014

Water System No. 4910021

Felix Hernandez, Manager
Bodega Bay Public Utility District
P.O. Box 70
Bodega Bay, CA 94923

**CITATION NO. 02-18-14C-017
TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL (MCL) VIOLATION FOR
MARCH 2014**

Enclosed is a Citation issued to the Bodega Bay Public Utility District (System) public water system.

If you have any questions regarding this matter, please contact Zachary Rounds of my staff at (707) 576-2728 or me at (707) 576-2006.

Sincerely,

Janice M. Thomas, P.E.
Sonoma District Engineer
Drinking Water Program

Enclosures

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC HEALTH

Name of Public Water System: Bodega Bay Public Utility District

Water System No: 4910021

To: Bodega Bay Public Utility District
P.O. Box 70
Bodega Bay, CA 94923

Issued: Max 8, 2014

CITATION FOR NONCOMPLIANCE

With Total Coliform Maximum Contaminant Level for March 2014

Section 116650 of the California Health and Safety Code (CHSC), authorizes the issuance of a citation for failure to comply with a requirement of California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued thereunder.

The Division of Drinking Water and Environmental Management of the State of California Department of Public Health (Department) hereby issues a citation to the Bodega Bay Public Utility District (System) for failure to comply with Title 22, California Code of Regulations (CCR) Section 64426.1.



APPLICABLE AUTHORITIES

Section 116650 of the CHSC states in relevant part:

- (a) If the department determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the department may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.
- (b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.
- (c) A citation may specify a date for elimination or correction of the condition constituting the violation.
- (d) A citation may include the assessment of a penalty as specified in subdivision (e).
- (e) The department may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation.



1 California Code of Regulations (CCR), Section 64426.1 states in relevant
2 part:

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4 (b) A public water system is in violation of the total coliform MCL {maximum
5 contaminant level} when any of the following occurs:

- 6 (1) For a public water system which collects at least 40 samples per
7 month, more than 5.0 percent of the samples collected during any
8 month are total coliform-positive; or
9 (2) For a public water system which collects fewer than 40 samples per
10 month, more than one sample collected during any month is total
11 coliform-positive; or
12 (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
13 (4) Any repeat sample following a fecal coliform-positive or E. coli-positive
14 routine sample is total coliform-positive.

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16 **STATEMENT OF FACTS**

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18 The Department has received laboratory results for eight bacteriological
19 samples collected during March 2014 from the System. All samples were
20 analyzed for the presence of coliform bacteria. Four of the eight samples
21 tested positive for coliform bacteria.
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2 **DETERMINATIONS**

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4 **THE DEPARTMENT HAS DETERMINED:**

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7 The System violated Title 22 of the CCR, Section 64426.1, in that the
8 System failed to comply with the maximum contaminant level (MCL) for total
9 coliform bacteria during the month of March 2014.
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11 **DIRECTIVES**

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13 Bodega Bay Public Utility District is hereby directed to take the following
14 actions:
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17 1. Comply with Section 64426.1, Title 22, of the California Code of
18 Regulations in all future monitoring periods.
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21 2. Notify all persons served by the System of the MCL violation in
22 conformance with Section 64463.4 and 64465, Title 22 of the CCR,
23 and as follows:
24

25 a) Completion of Attachment A to include the name, address, and
26 telephone number of a System representative as a source of
27 additional information concerning the public notice. **You must**
also give a legible, written description (preferably typed) of



1 the corrective actions taken by the water system to prevent
2 this violation from occurring in the future. You must use the
3 space provided in Attachment A for this written description.
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6 b) Provide the notice by mail or direct delivery, **after it has been**
7 **completed in accordance with (a) above**, to each customer or
8 service connection served by the System by **May 29, 2014**.
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10 c) Publish the notice contained in Attachment A, **after it has been**
11 **completed in accordance with (a) above**, in a local newspaper
12 of general circulation in the area served by the System (or weekly
13 newspaper if no daily paper is available) for one day. The
14 publication in a local newspaper must be completed by **May 29,**
15 **2014**.
16
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18 d) Provide public notice for this violation in accordance with Section
19 64465(c), Title 22 or the CCR, which requires for each non-
20 English speaking group that exceeds 1,000 residents or 10% of
21 the residents in a community (whichever is less) that the public
22 notice contain information in the appropriate language(s)
23 regarding the importance of the notice, or contain a telephone
24 number or address where such residents may contact the water
25 system to receive a translated copy of the notice or to receive
26 assistance in the appropriate language.
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1 3. Pursuant to Section 64424(d), Title 22 of the CCR, the System shall
2 collect five (5) routine bacteriological samples by **May 31, 2014**. The
3 results of these samples shall be submitted with the attached
4 Compliance Certification form.

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7 4. The System shall complete the attached Compliance Certification
8 form and return it to the Department within 10 days of the public
9 notice being given to the system customers but in no case later than
10 **June 6, 2014. A copy of the notice published in the newspaper, a**
11 **copy of the notice delivered to the customers, and a copy of the**
12 **laboratory results must be attached to the form.**
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14
15 The Department reserves the right to make such modifications to this
16 Citation, as it may deem necessary to protect public health and safety.
17 Such modifications may be issued as amendments to this Citation and shall
18 be effective upon issuance.

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20 Nothing in this Citation relieves the System of its obligation to meet the
21 requirements of the California Safe Drinking Water Act (CHSC, Division 104,
22 Part 12, Chapter 4, commencing with Section 116270), or any regulation,
23 standard, permit or order issued thereunder.
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All submittals required by this Citation shall be submitted to the Department at the following address: Janice M. Thomas, P.E.
Department of Public Health
Drinking Water Program
50 D Street, Suite 200
Santa Rosa, CA 95404

PARTIES BOUND

This Citation shall apply to and be binding upon the System, its officers, directors, agents, employees, contractors, successors, and assignees.

SEVERABILITY

The directives of this Citation are severable, and the System shall comply with each provision thereof notwithstanding the effectiveness of any provision.

FURTHER ENFORCEMENT ACTION

Division 104, Part 12, Chapter 4, (commencing with Section 116270) of the California Health and Safety Code authorizes the Department to: issue additional citations with assessment of penalties if the System continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the System has violated applicable law or regulations or has failed to comply with orders



of the Department; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Department. The Department does not waive any further enforcement action by issuance of this citation.

Janice M. Thomas

April 8, 2014

Janice M. Thomas, P.E.
Sonoma District Engineer
Drinking Water Program

Date



Attachments

Certified Mail No. 7010 1870 0000 5927 0151

4910021/Compliance
02-18-14C-017-4910021-22.docx/ZCR



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COMPLIANCE CERTIFICATION

Citation Number 02-18-14C-017

Name of Water System: **Bodega Bay Public Utility Company**

System Number: **4910021**

Certification

I certify that the users of the water supplied by this water system were notified of the bacteriological violations of Title 22, California Code of Regulations (CCR) for the compliance period of March 2014

Required Action

Date Completed

Complete Attachment A, as required in Directive 2(a)

Public Notification – Mail or Direct Delivery to Customers

Public Notification – Newspaper

5 Bacteriological Samples Collected & Analyzed

Signature of Water System Representative

Date

Attach a copy of the notice delivered to customers, a copy published in the newspaper, and the laboratory results from the 5 water samples.

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT NO LATER THAN JUNE 6, 2014
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Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.

